

EXHIBIT G

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.
1:19-cv-11457-IT

ANYWHERECOMMERCE, INC.)
and BBPOS LIMITED,)
Plaintiffs)
)
v.)
)
INGENICO INC., INGENICO CORP. and)
INGENICO GROUP, SA,)
Defendants)
)

Zoom Deposition of
MITCHELL COBRIN,
pursuant to Rule 30 of the
Federal Rules of Civil Procedure,
taken on NOVEMBER 29, 2021

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1 BY MR. TECHENTIN:

2 Q - Do you know who would?

3 A - I assume Michael Krone would know
4 the details around that.

5 Q - Well, was there a discussion at the
6 board level as to how Anywherecommerce should handle
7 claims that it brought jointly with BBPOS?

8 A - I don't understand the question.

9 Q - Okay. Have you ever, have you
10 reviewed the complaint that was filed in this case?

11 A - I have.

12 Q - All right. And we can take a look
13 at the document if that would help you here, but
14 there are a number of claims that were asserted here,
15 and some of them were asserted by Anywherecommerce
16 alone, and some were asserted by BBPOS alone, and
17 some of them were asserted by BBPOS and
18 Anywherecommerce together against the defendants; are
19 you familiar with that?

20 A - At a high level.

21 Q - And so my question is, as a member
22 of the board of Anywherecommerce, are you aware of
23 how that was going to work with you and BBPOS jointly
24 suing the defendants under these claims?

25 MS. BOZEMAN: Objection. I'm going to

1 instruct him not to answer. If you want to go to
2 the court and get into this line of questioning with
3 the court, then you can do that, but I don't
4 understand why this wouldn't be attorney-client
5 privilege information or why it's relevant.

6 OBJECTION

7 WITNESS: I'm going to listen to my
8 lawyer's advice.

9 MR. TECHENTIN: Thank you.

10 Ms. Bozeman, just to be clear, you're
11 not instructing him not to answer on the basis of
12 relevance, I assume you're instructing him not to
13 answer on the basis of some attorney-client
14 privilege?

15 MS. BOZEMAN: That's correct, yes.

16 MR. TECHENTIN: Well, let's dive in
17 and I'll ask the questions; if you have the
18 objections, that's fine.

19 I'm going to --

20 MS. BOZEMAN: Thank you.

21 MR. TECHENTIN: I'm going to have
22 marked as Exhibit 1 for today's deposition, and it
23 should be available through that portal that we have
24 going, Exhibit 1, which is the first amended
25 complaint.

1 EXHIBIT 1: The first amended complaint.

2 A - Okay. I have access to it.

3 Q - And this is an amended complaint;
4 have you reviewed this document previously?

5 A - Again superficially. I'm not a
6 lawyer, right, so --

7 Q - Okay. Well, if we go down to, down
8 to page 30, there's a heading that says "Claims and
9 violations alleged." Let me know when you get there.

10 A - Yes, I'm on that page.

11 Q - All right. And Count 1 says "It's
12 fortuitous interference with existing and prospective
13 contracts and business relationships," and then
14 there's a parenthetical, and it says
15 "Anywherecommerce v. defendants"; do you see that?

16 A - Not really. Just a second, I'm
17 having trouble with my screen. Let me see. So --

18 MS. BOZEMAN: And can I just interrupt
19 you for one second?

20 MR. TECHENTIN: Yeah.

21 MS. BOZEMAN: I had a technology kind
22 of issue, I didn't know how to turn the pages on
23 this app. What were you referencing us to take a
24 look at? If you don't mind repeating?

25 MR. TECHENTIN: Page 30, it's Count 1.

1 MS. BOZEMAN: I'm here. I'm sorry.

2 BY MR. TECHENTIN:

3 Q - Okay. Mr. Cobrin, are you seeing
4 what I'm referring to where it just says: "Count 1:
5 Fortuitous interference," et cetera, et cetera?

6 A - Yes.

7 Q - And so Count 1 is just
8 Anywherecommerce versus the defendants, do you see
9 that? Right?

10 A - Yes.

11 Q - And then, but if you go to page 38.

12 A - Okay.

13 Q - And paragraph -- or Count 6 it says
14 -- or Count 7, rather: "Unjust enrichments," at the
15 bottom of that page?

16 A - Yes.

17 Q - And there it says: "Plaintiffs --
18 plural -- versus defendants," do you see that?

19 A - I do.

20 Q - And so, so for this unjust
21 enrichment claim, Anywherecommerce and BBPOS are
22 jointly bringing this claim against the defendants;
23 you see that; right?

24 A - I see that.

25 Q - Okay. And so my question is: If

1 the plaintiffs prevail on this claim and secure an
2 award of money from the defendants, is there an
3 arrangement for who actually receives the money as
4 between BBPOS and Anywherecommerce?

5 MS. BOZEMAN: Objection.

6 Attorney-client privilege, and instruct you not to
7 answer.

8 OBJECTION

9 BY MR. TECHENTIN:

10 Q - And you're going to abide by that
11 instruction?

12 A - Yes.

13 Q - Same question on the next page for
14 Count 8, plaintiffs versus defendants for violation
15 of the Georgia deceptive trade practices Act?

16 MS. BOZEMAN: Objection.

17 Attorney-client privilege. I instruct the witness
18 not to answer.

19 OBJECTION

20 BY MR. TECHENTIN:

21 Q - And the same --

22 A - I will abide by that.

23 Q - Thank you. And the same question
24 for Count 9, violation of the Georgia Fair Business
25 Practices Act?

1 OBJECTION

2 A - I can't possibly speculate if they
3 misrepresented or mischaracterized their capacity or
4 knowledge to provide the product or service that
5 they were bidding on.

6 BY MR. TECHENTIN:

7 Q - And did, do you have any reason to
8 think that Ingenico somehow maligned Anywherecommerce
9 or its products in the course of that RFP process?

10 A - How could I possibly know, sir?

11 Q - Well -- and if you didn't, fair to
12 say that your decision to sue the defendants wasn't
13 based upon some thought that there had been some
14 disparagement of your products by Ingenico; right?

15 MS. BOZEMAN: Objection. You can
16 answer.

17 OBJECTION

18 A - So, the reason we're suing them is
19 probably clearly defined in our complaint, right?
20 We believed that they used their, their size and
21 might and capacity to influence a decision that was
22 not, you know, a logical outcome.

23 BY MR. TECHENTIN:

24 Q - So that --

25 A - And it was further corroborated,